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SENATE BILL 367

46TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2004

INTRODUCED BY

Shannon Robinson

AN ACT

RELATING TO THE PUBLIC EMPLOYEE LABOR RELATIONS BOARD;
PERMITTING BOARD MEETINGS TO BE HELD IN ALBUQUERQUE.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. Section 10-7E-12 NMSA 1978 (being Laws 2003, Chapter 4, Section 12 and Laws 2003, Chapter 5, Section 12) is amended to read:

"10-7E-12. HEARING PROCEDURES.--

A. The board or local board may hold hearings for the purposes of:

- (1) information gathering and inquiry;
- (2) adopting rules; and
- (3) adjudicating disputes and enforcing the

provisions of the Public Employee Bargaining Act and rules adopted pursuant to that act.

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1 B. The board or local board shall adopt rules
2 setting forth procedures to be followed during hearings of the
3 board or local board. The procedures adopted for conducting
4 adjudicatory hearings shall meet all minimal due process
5 requirements of the state and federal constitutions.

6 C. The board or local board may appoint a hearing
7 examiner to conduct any adjudicatory hearing authorized by the
8 board or local board. At the conclusion of the hearing, the
9 examiner shall prepare a written report, including findings and
10 recommendations, all of which shall be submitted to the board
11 or local board for its decision.

12 D. A rule proposed to be adopted by the board or
13 local board that affects a person or governmental entity
14 outside of the board or local board and its staff shall not be
15 adopted, amended or repealed without public hearing and comment
16 on the proposed action before the board or local board. The
17 public hearing shall be held after notice of the subject matter
18 of the rule, the action proposed to be taken, the time and
19 place of the hearing, the manner in which interested persons
20 may present their views and the method by which copies of the
21 proposed rule, proposed amendment or repeal of an existing rule
22 may be obtained. All meetings of the board shall be held in
23 Albuquerque or Santa Fe. All meetings of local boards shall be
24 held in the county of residence of the local public employer.
25 Notice shall be published once at least thirty days prior to

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1 the hearing date in a newspaper of general circulation in the
2 state or, in the case of a local board hearing, in a newspaper
3 of general circulation in the county, and notice shall be
4 mailed at least thirty days prior to the hearing date to all
5 persons who have made a written request for advance notice of
6 hearings.

7 E. All adopted rules shall be filed in accordance
8 with applicable state statutes.

9 F. A verbatim record made by electronic or other
10 suitable means shall be made of every rulemaking and
11 adjudicatory hearing. The record shall not be transcribed
12 unless required for judicial review or unless ordered by the
13 board or local board."